

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

United States

v.


06-cr-71-01/02-SM

Elaine Brown and
Edward Brown

ORDER

Re: Document No. 65, Motion for Court Order for Return of
Personal Property

Ruling: Defendants seek return of all personal property taken by federal agents, by which they seem to mean all firearms owned by them that are now in the government's possession. Again, the government has not filed any response. The motion, however, must be decided on the merits, notwithstanding the government's failure. As a condition of pretrial release defendants are required not to possess any firearms, and to surrender all firearms owned by them, or in their possession. Accordingly, the motion cannot be granted, at least not without an amendment to the bail conditions previously set by the Magistrate Judge, which is unlikely, or their choosing to forego release on bail pending trial, in which case they would perhaps regain legal, but certainly not physical, custody of the surrendered firearms. Motion denied.


Steven J. McAuliffe
Chief District Judge

Date: November 13, 2006

cc: Elaine Brown, pro se
Edward Brown, pro se
William Morse, AUSA